HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4549 of 2005

Dated:24.08.2007

Between:

Karanam Rama Rao.

…Petitioner.

and

The District Collector and others.

…Respondents.

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4549 of 2005

ORDER:

The petitioner is allegedly an Ex-serviceman. He was allegedly assigned land admeasuring Acs.5.00 in survey No.355, in 1975 and since then, he is in possession of the land. It is further stated that the third respondent along with his staff inspected the land on 28.02.2005 and informed petitioner that he would be evicted from the land, as the first respondent is contemplating to allot the same to Visakhapatnam Urban Development Authority (VUDA). Therefore, he filed the present Writ Petition seeking a mandamus declaring the action of the respondents in cancelling the assignment made in his favour without following the due process of law and without giving notice and opportunity.

In the counter-affidavit filed by the Vice-Chairman, VUDA, it is stated that the subject land is earmarked for development to be made by VUDA. The land in question forms part of large extent of land proposed to be developed by VUDA, pursuant to the policy of the Government under the Area Development Plan Scheme. Further, in implementation of the said policy of the Government and on instructions of the District Collector, the Mandal Revenue Officer has commenced the process of handing over various extents of land, which fall within the proposed scheme. The petitioner filed the Writ Petition on mere apprehension.

After hearing learned Counsel for the petitioner, learned Assistant Government Pleader for Revenue (Assignment) and learned

Counsel appearing for Visakhapatnam Urban Development Authority (VUDA), this Court is of considered opinion that disputed questions of fact would arise in this case as to whether the land was assigned to the petitioner as alleged, whether the land was assigned to other persons and whether the land was handed over to VUDA for the purpose of development of township.

In similar writ petitions, being W.P.Nos.791 and 2056 of 2005, this Court considered the contention of the learned Assistant Government Pleader that the pattas produced by the petitioners are not genuine and they are forged and fabricated one. This Court took a view that an enquiry is necessary into this aspect. This Court disposed of the writ petitions directing the Mandal Revenue Officer to conduct enquiry.

Following the judgment in W.P.No.791 of 2005, dated 14.12.2006, this Writ Petition is also disposed of directing the Mandal Revenue Officer, Visakhapatnam, to conduct a detailed enquiry into the assignments made in favour of the Ex-serviceman. If it is ultimately found that the D-Form pattas are fabricated and forged, appropriate action shall be taken against all those responsible for such fabrication of forged D-Form pattas. The petitioner, however, cannot be evicted, unless appropriate is taken under Andhra Pradesh Land Encroachment Act, 1905. In case, it is found that the D-Form pattas granted are genuine, it shall always be open to the Government to resume the land after paying the compensation. This Court also observes that the Mandal Revenue Officer shall conduct enquiry within a period of three months from the date of receipt of a copy of this order, as directed hereinabove. No costs.

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(V.V.S.RAO, J)

24.08.2007

GJ